

FILED

April 08, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BY: NM
DEPUTY

MARINA CORTINAS, *et al.*,

Plaintiffs,

V.

**LIBERTY MUTUAL PERSONAL
INSURANCE COMPANY, LIBERTY
INSURANCE CORPORATION,
SAFECO INSURANCE COMPANY
OF INDIANA, and LM INSURANCE
CORPORATION,**

Defendants.

NO. SA-22-CV-00544-OLG-HJB

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R), filed January 13, 2025, concerning the Motion for Partial Summary Judgment (Dkt. No. 109) and Consolidated Motion for Partial Summary Judgment (Dkt. No. 141) filed by Defendants. (*See* R&R, Dkt. No. 155.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). The parties, through counsel, were electronically served with a copy of the R&R on January 14, 2025, and timely filed their objections by the extended deadline of February 3, 2025 (*see* Dkt. Nos. 157, 158).

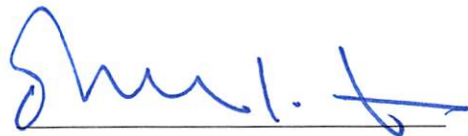
When a party objects to an R&R, the Court must make a de novo determination as to “any part of the magistrate judge’s disposition that has been properly objected to.” FED. R. CIV. P. 72(b)(3); see *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other*

grounds by *Douglass v. U.S. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

The Court has reviewed the entirety of the R&R de novo and finds that it is in all things correct and should be accepted. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 155) and, for the reasons set forth therein, Defendants' Motion for Partial Summary Judgment (Dkt. No. 109) and Consolidated Motion for Partial Summary Judgment (Dkt. No. 141) are **GRANTED IN PART, DENIED WITHOUT PREJUDICE IN PART**, and **DENIED IN PART** as follows: the Motions are **GRANTED** as to Plaintiffs Tanya Rawlins, the Odums, the Mitchells, and the Baiottos' breach-of-contract claims, which are hereby **DISMISSED**; the Motions are **DENIED WITHOUT PREJUDICE** as to Defendants' argument that Plaintiffs' declaratory-judgment claims are improperly duplicative of their breach-of-contract claims; and the Motions are **DENIED** in all other respects.

It is so **ORDERED**.

SIGNED this 8 day of April, 2025.



ORLANDO L. GARCIA
United States District Judge